

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA
McCOLLUM, individually, and
STEPHANIE KINGREY, individually and
as independent administrator of the
ESTATE OF LARRY GENE
McCOLLUM,
Plaintiffs,

V.

BRAD LIVINGSTON, et al.,
Defendants.

[illegible]

CIVIL ACTION NO. 4:14-cv-03253

**DEFENDANT THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT
GALVESTON'S ADVISORY TO THE COURT REGARDING EXTENDED DEADLINE
FOR FIFTH CIRCUIT BRIEFING**

Defendant The University of Texas Medical Branch at Galveston files this advisory regarding the Fifth Circuit briefing schedule in this case. The Fifth Circuit recently granted an extension of time for appellants to file their briefs regarding the McCollum motion for summary judgment ruling. The deadline for appellants to file their briefs is now July 7, 2017.

Defendants' joint motion for certification of interlocutory appeal regarding plaintiffs' ADA and RA claims is still pending before this Court. *See* Docket Entry (D.E.) 343. Defendant respectfully advises the Court that a timely ruling on the motion for certification would allow Defendants/appellants to more efficiently organize and brief the issues before the Fifth Circuit. Moreover, a Fifth Circuit determination of these issues at this stage of litigation would help advance the ultimate resolution of all other heat related litigation pending before this Court.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

BRANTLEY STARR

Deputy First Assistant Attorney General

JAMES E. DAVIS

Deputy Attorney General for Civil Litigation

LACEY E. MASE

Division Chief

Law Enforcement Defense Division

/s/ J. Lee Haney

J. LEE HANEY

Attorney-in-Charge

Assistant Attorney General

Texas Bar No. 00784203

Southern District I.D. No. 18544

Lee.Haney@oag.texas.gov

SHANNA ELIZABETH MOLINARE

Assistant Attorney General

Texas Bar No. 24041506

Southern District I.D. No. 38632

JENNIFER DANIEL

Assistant Attorney General

Texas Bar No. 24090063

Southern District I.D. No. 2451063

HEATHER RHEA

Assistant Attorney General

Texas Bar No. 24085420

Southern District I.D. No. 2399979

P.O. Box 12548, Capitol Station

Austin, Texas 78711

(512) 463-2080

(512) 936-2109 (Fax)

ALVAREZ STAUFFER BREMER

Graig J. Alvarez

State Bar No. 06934340

Federal I.D. No. 22596

Kara Stauffer
State Bar No. 24001647
Federal I.D. No. 685342

815 Walker Street, Suite 1450
Houston TX 77002
(713) 351-0300
(713) 351-0320 Fax

**ATTORNEYS FOR DEFENDANT
UNIVERSITY OF TEXAS
MEDICAL BRANCH**

NOTICE OF ELECTRONIC FILING

I, **J. Lee Haney**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on May 1, 2017.

s/ J. Lee Haney _____
J. LEE HANEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **J. Lee Haney**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record via electronic mail on May 1, 2017, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas.

s/ J. Lee Haney _____
J. LEE HANEY
Assistant Attorney General